

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Oren J. Warshavsky

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FAIRFIELD INVESTMENT FUND LIMITED,  
STABLE FUND, FAIRFIELD GREENWICH  
LIMITED, FAIRFIELD GREENWICH (BERMUDA),  
LTD., FAIRFIELD GREENWICH ADVISORS LLC,  
FAIRFIELD INTERNATIONAL MANAGERS, INC.,  
WALTER NOEL, JEFFREY TUCKER, ANDRES  
PIEDRAHITA, AMIT VIJAYVERGIYA, PHILIP  
TOUB, AND CORINA NOEL PIEDRAHITA,

Defendants.

Adv. Pro. No. 09-01239 (SMB)

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 12-01702 (SMB)

Plaintiff,

v.

FAIRFIELD GREENWICH CAPITAL PARTNERS  
and SHARE MANAGEMENT LLC,

Defendants.

**STIPULATION AND ORDER FOR CONSOLIDATION  
OF ADVERSARY PROCEEDINGS**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§78aaa–lll, and the substantively consolidated estate of Bernard L. Madoff, by and through his undersigned counsel, and the defendants identified in Exhibit A hereto, by and through their respective undersigned counsel (together with the Trustee, the “Parties”), respectfully represent as follows:

**WHEREAS**, on May 18, 2009, the Trustee commenced Adversary Proceeding No. 09-01239 (SMB) (the “Main Action”) in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) by filing a Complaint against Fairfield Greenwich (“FG”) funds that maintained accounts with BLMIS—Fairfield Sentry Limited, Greenwich Sentry, L.P., and Greenwich Sentry Partners, L.P. *See Picard v. Fairfield Inv. Fund Ltd. et al.*, Adv. Pro. No. 09-01239 (SMB), ECF No. 1;

**WHEREAS**, on July 20, 2010, the Trustee filed an Amended Complaint in the Main Action, adding as defendants Fairfield Sigma Limited, Fairfield Lambda Limited, Chester Global Strategy Fund Limited, Chester Global Strategy Fund L.P., Irongate Global Strategy Fund

Limited, Fairfield Greenwich Fund (Luxembourg), Fairfield Investment Fund Limited, Fairfield Investors (Euro) Limited, Fairfield Investors (Swiss Franc) Limited, Fairfield Investors (Yen) Limited, Fairfield Investment Trust, FIF Advanced, Ltd., Sentry Select Limited, Stable Fund L.P., Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Limited, Fairfield Greenwich Advisors LLC, Fairfield Greenwich Group, LLC, Fairfield Greenwich Partners, LLC, Fairfield Heathcliff Capital LLC, Fairfield International Managers, Inc., Fairfield Greenwich (UK) Limited, Greenwich Bermuda Limited, Chester Management Cayman Limited (collectively, the “Entity Defendants”), and Walter Noel, Jeffrey Tucker, Andrés Piedrahita, Mark McKeefry, Daniel Lipton, Amit Vijayvergiya, Gordon McKenzie, Richard Landsberger, Philip Toub, Charles Murphy, Robert Blum, Andrew Smith, Harold Greisman, Gregory Bowes, Corina Noel Piedrahita, Lourdes Barreneche, Cornelis Boele, Santiago Reyes, and Jacqueline Harary, (collectively, the “Individual Defendants,” and together with the Entity Defendants, the “FG Defendants”). *See id.*, ECF No. 23;

**WHEREAS**, on June 6, 2012, the Trustee commenced Adversary Proceeding No. 12-01702 (SMB) (the “Fairfield Greenwich Capital Partners Action” and together with the Main Action, the “Actions”) in the Bankruptcy Court by filing a Complaint against Dove Hill Trust, FG Investors Limited, Barreneche, Inc., Fairfield Greenwich Capital Partners, Fortuna Asset Management Inc., Selecta Financial Corporation Inc., Share Management LLC, Invercounsel S.L., Invercounsel USA LLC, Jacqueline M. Harary 2005 GRAT, and Robert A. Blum 2004 GRAT, generally entities associated with certain Individual Defendants. *See Picard v. Barreneche, Inc.*, Adv. Pro. No. 12-01702 (SMB), ECF No. 1;

**WHEREAS**, the Trustee has settled and/or dismissed claims against numerous defendants in the Main Action and Fairfield Greenwich Capital Partners Action. *See Picard v.*

*Fairfield Inv. Fund Ltd. et al.*, Adv. Pro. No. 09-01239 (SMB), ECF Nos. 95, 107–10, 125–26, 130, 135, 147, 182, 228, 238, 271; *Picard v. Barreneche, Inc.*, Adv. Pro. No. 12-01702 (SMB), ECF Nos. 10, 96, 106, 135;

**WHEREAS**, all of the current defendants in the Fairfield Greenwich Capital Partners Action are entities that were associated with Individual Defendants remaining in the Main Action;

**WHEREAS**, consolidation of the Actions is appropriate and will promote judicial economy and efficiency because they involve the same or substantially similar parties, substantial factual overlap, identical claims and requests for relief, and common issues of law and fact.

**NOW, THEREFORE**, the Parties hereby stipulate and agree that:

1. The Fairfield Greenwich Capital Partners Action and the Main Action be, and hereby are, consolidated for any and all purposes under Adversary Proceeding Number. 09-01239 (SMB), pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, made applicable to these adversary proceedings by Rule 7042 of the Federal Rule of Bankruptcy Procedure and § 105(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*
2. The consolidated action shall proceed under Adv. Pro. No. 09-01239 (SMB). The caption of Adv. Pro. No. 09-01239 (SMB) is hereby amended to include all current defendants from the Actions. An amended caption is attached as Exhibit A.
3. The Clerk of Court is respectfully requested to close the Fairfield Greenwich Capital Partners Action, Adv. Pro. No. 12-01702 (SMB).

4. Except as otherwise expressly provided herein, the Parties reserve all rights, claims, and/or defenses they may have and entry into this stipulation shall not impair any such rights, claims, and/or defenses.

5. This So Ordered Stipulation may be executed in counterparts and original signatures are not required as copies or facsimile of executed counterparts of this Stipulation and Order are deemed as original and binding.

Dated: June 18, 2019  
New York, New York

SIMPSON THACHER & BARTLETT LLP

/s/ Peter E. Kazanoff

Peter E. Kazanoff  
William T. Russell, Jr.  
425 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 455-2000  
Facsimile: (212) 455-2502  
Email: pkazanoff@stblaw.com

*Attorneys for Defendants Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Limited, Fairfield Greenwich Advisors LLC, Fairfield International Managers, Inc., Amit Vijayvergiya, Philip Toub, Corina Noel Piedrahita, Fairfield Greenwich Capital Partners and Share Management LLC*

BAKER & HOSTETLER LLP

/s/ Oren J. Warshavsky

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Oren J. Warshavsky  
Email: owarshavsky@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff*

KASOWITZ BENSON TORRES LLP

/s/ Marc E. Kasowitz

Marc E. Kasowitz  
Daniel J. Fetterman  
1633 Broadway  
New York, NY 10019  
(212) 506-1700

*Attorneys for Jeffrey Tucker*

WHITE & CASE LLP

/s/ Glenn M. Kurtz

Glenn M. Kurtz  
Andrew Hammond  
1155 Avenue of the Americas  
New York, NY 10036  
(212) 819-8200

*Attorneys for Walter M. Noel, Jr.*

DECHERT LLP

/s/ Andrew Levander

Andrew Levander  
Neil A. Steiner  
1095 Avenue of the Americas  
New York, NY 10036  
(212) 698-3500

*Attorneys for Andrés Piedrahita*

WOLLMUTH MAHER & DEUTSCH LLP

/s/ William A. Maher

William A. Maher  
Fletcher W. Strong  
500 Fifth Avenue  
New York, NY 10010  
(212) 382-3300

*Attorneys for Stable Fund L.P. and Fairfield  
Investment Fund Ltd.*

It is SO ORDERED.

Dated: June 19<sup>th</sup>, 2019  
New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
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PIEDRAHITA, AMIT VIJAYVERGIYA, PHILIP  
TOUB, CORINA NOEL PIEDRAHITA, FAIRFIELD  
GREENWICH CAPITAL PARTNERS and SHARE  
MANAGEMENT LLC,

Defendants.

Adv. Pro. No. 09-01239 (SMB)